

GIBBONS

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ORDER

December 12, 2019

VIA ECF & FEDEX

Honorable Kevin McNulty  
United States District Judge  
Lautenberg U.S. Post Office & Courthouse  
Federal Square  
Newark, New Jersey 07102

SO ORDERED

Kevin McNulty, U.S.D.J.

Date: 12/19/2019

Re: United States v. Coburn & Schwartz,  
Crim. No. 19-120

Dear Judge McNulty:

This Firm is co-counsel to defendant Steven Schwartz in the above-referenced case. We write, joined by co-defendant Gordon Coburn and his counsel, to seek an adjournment of the previously entered briefing schedule for discovery-related motions. The requested adjournment relates to the defense's efforts to obtain information relevant to Government discovery obligations, and related issues, including issues that potentially arise out of the Government's coordination with and reliance on "internal" investigations conducted by Cognizant Technology Solutions Corporation ("Cognizant") and Larsen & Toubro Construction ("L&T" and together with Cognizant, the "Companies") and their attorneys. Because a full and fair adjudication of these serious issues requires the defense to obtain further information from at least the Government and very likely Cognizant and L&T before they may appropriately be presented to the Court, and because the Government only recently informed us, in response to a two-month old request, that it will not produce any of the information requested, we respectfully submit that the current briefing schedule for discovery motions should be extended by sixty (60) days.

As Your Honor will recall, following the October 7, 2019 status conference, the Court issued a Scheduling Order (ECF No. 55) providing that "defendants shall file any and all discovery-related motions . . . by January 15, 2020. . . . A defendant may seek leave to file or refile such motions at a later date based on ongoing issues with discovery or changed circumstances." As that Order anticipated, the defendants hereby request leave to file those motions at a later date. The reasons for that request are as follows:

As the Court is aware, this case involves complex factual and legal issues.<sup>1</sup> The Indictment charges Mr. Coburn and Mr. Schwartz with violations of the Foreign Corrupt Practices Act, including its bribery and accounting provisions, and conspiracy to commit such offenses. (ECF No. 1.) The charges stem from allegations that the defendants participated in a scheme to pay a

<sup>1</sup> The parties have agreed, and the Court entered an order finding, that this case is complex within the meaning of the Speedy Trial Act. (ECF. No. 52.)